

that payments are received only by producers, the Secretary shall—

(1) conduct an audit of average crop revenue payments; and

(2) submit to Congress a report that describes the results of that audit.

#### SEC. 1403. PLANTING FLEXIBILITY.

(a) PERMITTED CROPS.—Subject to subsection (b), any commodity or crop may be planted on base acres on a farm for which the producers on a farm elect to receive average crop revenue payments (referred to in this section as “base acres”).

(b) LIMITATIONS REGARDING CERTAIN COMMODITIES.—

(1) GENERAL LIMITATION.—The planting of an agricultural commodity specified in paragraph (3) shall be prohibited on base acres unless the commodity, if planted, is destroyed before harvest.

(2) TREATMENT OF TREES AND OTHER PERENNIALS.—The planting of an agricultural commodity specified in paragraph (3) that is produced on a tree or other perennial plant shall be prohibited on base acres.

(3) COVERED AGRICULTURAL COMMODITIES.—Paragraphs (1) and (2) apply to the following agricultural commodities:

(A) Fruits.

(B) Vegetables (other than mung beans and pulse crops).

(C) Wild rice.

(c) EXCEPTIONS.—Paragraphs (1) and (2) of subsection (b) shall not limit the planting of an agricultural commodity specified in paragraph (3) of that subsection—

(1) in any region in which there is a history of double-cropping of covered commodities with agricultural commodities specified in subsection (b)(3), as determined by the Secretary, in which case the double-cropping shall be permitted;

(2) on a farm that the Secretary determines has a history of planting agricultural commodities specified in subsection (b)(3) on base acres, except that average crop revenue payments shall be reduced by an acre for each acre planted to such an agricultural commodity; or

(3) by the producers on a farm that the Secretary determines has an established planting history of a specific agricultural commodity specified in subsection (b)(3), except that—

(A) the quantity planted may not exceed the average annual planting history of such agricultural commodity by the producers on the farm in the 1991 through 1995 or 1998 through 2001 crop years (excluding any crop year in which no plantings were made), as determined by the Secretary; and

(B) average crop revenue payments shall be reduced by an acre for each acre planted to such agricultural commodity.

(d) PLANTING TRANSFERABILITY PILOT PROJECT.—Producers on a farm that elect to receive average crop revenue payments shall be eligible to participate in the pilot program established under section 1106(d) under the same terms and conditions as producers that receive direct payments and counter-cyclical payments.

(e) PRODUCTION OF FRUITS OR VEGETABLES FOR PROCESSING.—

(1) IN GENERAL.—Subject to paragraphs (2) through (4), effective beginning with the 2009 crop

On page 1374, between lines 14 and 15, insert the following:

“(iii) 100 percent of the amount of the revenue component of any average crop revenue payments made to the producer under section 1401(b)(3) of the Food and Energy Security Act of 2007;”.

**SA 3818.** Mr. STEVENS submitted an amendment intended to be proposed to

amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes; which was ordered to lie on the table; as follows:

On page 247, line 17, insert “seafood, farm-raised aquaculture,” after “nursery crops.”.

### NOTICE OF HEARING

#### PERMANENT SUBCOMMITTEE ON INVESTIGATIONS

Mr. LEVIN. Mr. President, I would like to announce for the information of the Senate and the public that the Permanent Subcommittee on Investigations of the Committee on Homeland Security and Governmental Affairs will hold a hearing entitled, “United Nations Development Program Operations in North Korea.” In April 2007, the United Nations Development Program, UNDP, took the unprecedented step of shutting down its operations in North Korea due to refusals by the North Korean government to allow UNDP to increase the transparency and accountability of its funding programs there. The Subcommittee’s December 13th hearing will examine UNDP operations in North Korea, reviewing evidence and taking testimony on certain problems in the relationship between UNDP and the North Korean government, whether the problems in North Korea are localized or systemic, and whether UNDP has sufficient whistleblower and ethics safeguards in place. Witnesses for the upcoming hearing will include representatives of the Government Accountability Office and the Department of State. Following the hearing, the Subcommittee will receive a public briefing from representatives of the United Nations Development Program. A final witness list will be available Tuesday, December 11, 2007.

The Subcommittee hearing is scheduled for Thursday, December 13, 2007, at 2 p.m., in Room 342 of the Dirksen Senate Office Building. For further information, please contact Elise Bean of the Permanent Subcommittee on Investigations at 224-9505.

### AUTHORITY FOR COMMITTEES TO MEET

#### COMMITTEE ON FOREIGN RELATIONS

Mr. DURBIN. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Thursday, December 6, 2007, at 2:30 p.m. in order to conduct a hearing on foreign assistance to Pakistan.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### COMMITTEE ON THE JUDICIARY

Mr. DURBIN. Mr. President, I ask unanimous consent that the Senate Committee on the Judiciary be authorized to meet during the session of the Senate, in order to conduct an Executive Business Meeting on Thursday,

December 6, 2007, at 10 a.m. in room SD-226 of the Dirksen Senate Office Building.

### Agenda

I. Bills: S.352, Sunshine in the Courtroom Act of 2007 (Grassley, Schumer, Leahy, Specter, Graham, Feingold, Cornyn, Durbin); S.344, A bill to permit the televising of Supreme Court proceedings (Specter, Grassley, Durbin, Schumer, Feingold, Cornyn); S.1638, Federal Judicial Salary Restoration Act of 2007 (Leahy, Hatch, Feinstein, Graham, Kennedy); S.1829, Protect Our Children First Act of 2007 (Leahy, Hatch); S.431, Keeping the Internet Devoid of Sexual Predators Act of 2007 (Schumer, McCain, Grassley, Specter, Kyl); and S.2344, Internet Safety Education Act of 2007 (Menendez).

II. Nomination: Ronald Jay Tenpas to be Assistant Attorney General for the Environment and Natural Resources Division, Department of Justice.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### SUBCOMMITTEE ON READINESS AND MANAGEMENT SUPPORT

Mr. DURBIN. Mr. President, I ask unanimous consent that the Subcommittee on Readiness and Management Support of the Committee on Armed Services be authorized to meet during the session of the Senate on Thursday December 6, 2007, at 2:30 p.m., in open session to receive a report of the Commission on Army Acquisition and Program Management in Expeditionary Operations.

The PRESIDING OFFICER. Without objection, it is so ordered.

### RECOGNIZING THE 60TH ANNIVERSARY OF EVERGLADES NATIONAL PARK

Mr. REID. Mr. President, I ask unanimous consent we proceed to S. Res. 392, submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:  
A resolution (S. Res. 392) recognizing the 60th anniversary of the Everglades National Park.

There being no objection, the Senate proceeded to consider the resolution.

Mr. REID. I ask unanimous consent the resolution be agreed to, the preamble be agreed to, the motions to reconsider be laid on the table, and any statements be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 392) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

#### S. RES. 392

Whereas Everglades National Park will celebrate its 60th anniversary on December 6, 2007;

Whereas when President Harry S. Truman dedicated Everglades National Park on December 6, 1947, he stated: “Here is land, tranquil in its quiet beauty, serving not as the

source of water, but as the last receiver of it. To its natural abundance we owe the spectacular plant and animal life that distinguishes this place from all others in our country”;

Whereas Marjory Stoneman Douglas gave the Everglades the name “River of Grass” stating, “There are no other Everglades in the world”;

Whereas Everglades National Park has been designated an International Biosphere Reserve, a World Heritage Site, and a Wetland of International Importance, in recognition of its significance to all the people of the world;

Whereas the Everglades ecosystem encompasses 3,000,000 acres of wetlands and is the largest subtropical wilderness in the United States featuring slow-moving freshwater that flows south from Lake Okeechobee through sawgrass and tree islands to the mangroves and seagrasses of Florida Bay;

Whereas Everglades National Park is home to rare and endangered species, such as the American crocodile, the Florida panther, and the Western Indian manatee and more than 350 species of birds, including the Great Egret, Wood Stork, Swallow-tailed Kite, and Roseate Spoonbill;

Whereas the greater Everglades ecosystem is also an international center for business, agriculture, and tourism, with a rapidly growing population of varied ethnic, economic, and social values, all of which are dependent on a fully functioning ecosystem for an adequate freshwater supply, a healthy and sustainable economy, and overall quality of life;

Whereas Everglades National Park is the subject of the most extensive ecosystem restoration plan in the history of mankind, the Comprehensive Everglades Restoration Plan; and

Whereas this restoration plan must succeed in order for the treasures of Everglades National Park to be passed on to our children and grandchildren: Now, therefore, be it Resolved, That the Senate—

(1) recognizes the 60th anniversary of Everglades National Park; and

(2) dedicates itself to the success of the Comprehensive Everglades Restoration Plan.

#### EXPRESSING THE CONDOLENCES OF THE SENATE TO THOSE AFFECTED BY THE TRAGIC EVENTS OF DECEMBER 5, 2007, AT WESTROADS MALL IN OMAHA, NEBRASKA

Mr. REID. Mr. President, I ask unanimous consent the Senate proceed to the immediate consideration of S. Res. 393, submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 393), expressing the condolences of the Senate to those affected by the tragic events of December 5, 2007, at Westroads Mall in Omaha, NE.

There being no objection, the Senate proceeded to consider the resolution.

Mr. NELSON of Nebraska. Mr. President, I rise today to honor and remember the victims of yesterday's tragic shooting in Omaha, NE. I know every one of my colleagues joins me in extending our prayers and deepest sympathies to the families and friends of the victims and the entire Omaha community.

On Wednesday, December 5, 2007, the worst mass slaying in Nebraska history

occurred at the Westroads Mall in Omaha, claiming the lives of eight victims. The names of those victims are: shoppers Gary Sharf of Lincoln, NE, and John McDonald of Council Bluffs, IA; and store employees Angie Schuster, Maggie Webb, Janet Jorgensen, Diane Trent, Gary Joy, and Beverly Flynn, all of Omaha. We must never forget these individuals or the horrible tragedy which took them from us.

In addition, five people were wounded. Nebraska stands with each of them on their road to recovery.

I concur with the words of Omaha Mayor Mike Fahey, who said, “We are a community who will grieve this loss. Omaha is a good city with wonderful people.”

At Westroads Mall, this time of year is especially lovely with holiday decorations and music. That peace and tranquility were forever shattered by this senseless act of violence. Today, many Nebraskans are asking, “Why?” but there are no answers.

We are shocked, grief-stricken and in complete disbelief. Things like this should not happen anywhere, but headlines like these are unexpected in places such as Omaha. Our community has been altered forever—a sentiment reflected in today's headline in the state's largest newspaper, which declared: “It Happened To Us.”

So, now as we are celebrating what should be the most joyous season of the year, Nebraskans are preparing to bury our dead. And we are praying. We ask the nation to continue to pray with us; and on behalf of my fellow Nebraskans, I thank you for all the prayers and expressions of sympathy we have received.

Mr. REID. I ask unanimous consent the resolution be agreed to, the preamble be agreed to, the motions to reconsider be laid on the table, and any statements be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 393) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

#### S. RES. 393

Whereas, on Wednesday, December 5, 2007, the worst mass slaying in Nebraska history occurred at Westroads Mall in Omaha;

Whereas lives were tragically lost, and others were wounded;

Whereas the brave men and women of the Omaha Police Department, Fire Department, and other emergency responders acted valiantly to save lives;

Whereas the people of Omaha have embraced those affected and will continue to offer support to their neighbors who have suffered from this tragedy; and

Whereas the community of Omaha will endure the aftereffects of this tragedy to emerge stronger than it was before: Now, therefore, be it

Resolved, That the Senate—

(1) expresses its heartfelt condolences to the friends and families of those who lost their lives in the tragic shooting on December 5, 2007, at Westroads Mall in Omaha, Ne-

braska: Gary Sharf of Lincoln, Nebraska, John McDonald of Council Bluffs, Iowa, and Angie Schuster, Maggie Webb, Janet Jorgensen, Diane Trent, Gary Joy, and Beverly Flynn, all of Omaha;

(2) shares its prayers and best wishes for recovery to those who were wounded;

(3) extends its thanks to the first responders, police, and medical personnel who responded so quickly and decisively to provide aid and comfort to the victims; and

(4) stands with the people of Omaha as they begin the healing process in the aftermath of this terrible attack.

#### NATIONAL CANCER RESEARCH MONTH

Mr. REID. Mr. President, I ask unanimous consent we now proceed to the immediate consideration of S. Res. 394, submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 394) recognizing the 100th anniversary of the founding of the American Association for Cancer Research and declaring the month of May 2008 as National Cancer Research Month.

There being no objection, the Senate proceeded to consider the resolution.

Mr. REID. I ask unanimous consent the resolution be agreed to, the preamble be agreed to, the motions to reconsider be laid on the table, and any statements be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 394) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

#### S. RES. 394

Whereas the American Association for Cancer Research, the oldest and largest scientific cancer research organization in the United States, was founded on May 7, 1907, at the Willard Hotel in Washington, DC, by a group of physicians and scientists interested in research to further the investigation into and spread new knowledge about cancer;

Whereas the American Association for Cancer Research is focused on every aspect of high-quality, innovative cancer research and is the authoritative source of information and publications about advances in the causes, diagnosis, treatment, and prevention of cancer;

Whereas, since its founding, the American Association for Cancer Research has accelerated the growth and dissemination of new knowledge about cancer and the complexity of this disease to speed translation of new discoveries for the benefit of cancer patients, and has provided the information needed by elected officials to make informed decisions on public policy and sustained funding for cancer research;

Whereas partnerships with research scientists and the general public, survivors and patient advocates, philanthropic organizations, industry, and government have led to advanced breakthroughs, early detection tools which have increased survival rates, and a better quality of life for cancer survivors;

Whereas our national investment in cancer research has yielded substantial returns in terms of research advances and lives saved, with a scholarly estimate that every 1 percent decline in cancer mortality saves our national economy \$500,000,000,000;